

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MIGUEL ADRIAN ADAMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-20-1185-D
	)	
MICHAL ECCELS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This matter comes before the Court for review of the Report and Recommendation [Doc. No. 63] issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends that Defendants' Motion to Dismiss [Doc. No. 60] be converted to a motion under Fed. R. Civ. P. 56 and that summary judgment be granted to Defendants based on Plaintiff's failure to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). Judge Purcell further recommends that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claim, pursuant to 28 U.S.C. § 1367(c)(3).

Plaintiff, who is represented by counsel, has neither filed a timely objection nor requested an extension of time to object. Under the circumstances, the Court finds the Plaintiff has waived further review of the factual and legal issues addressed in the R&R. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Therefore, the Court accepts Judge Purcell's findings and recommendation and finds that summary judgment should be

entered for Defendants on Plaintiff's § 1983 claims and that his state law claim should be dismissed for lack of jurisdiction.

**IT IS THEREFORE ORDERED** that the Report and Recommendation [Doc. No. 63] is **ADOPTED**. Defendants' Motion to Dismiss [Doc. No. 60] is converted to a motion for summary judgment and is **GRANTED**. Defendants are entitled to summary judgment on Plaintiff's claims under 42 U.S.C. § 1983 pursuant to 42 U.S.C. § 1997e(a), and Plaintiff's state law claim is dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). A separate judgment shall be entered accordingly.

**IT IS SO ORDERED** this 13<sup>th</sup> day of October, 2021.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge